



Hinckley & Bosworth  
Borough Council

*A Borough to be proud of*

## FORWARD TIMETABLE OF CONSULTATION AND DECISION MAKING

COUNCIL 6 SEPTEMBER 2016

WARDS AFFECTED: HINCKLEY TRINITY WARD

---

### LAND AT CLIFTON WAY

---

#### Report of the Chief Executive

##### 1. PURPOSE OF REPORT

- 1.1 To seek approval to dispose of land in Clifton Way for extension of the Hollycroft Medical Centre

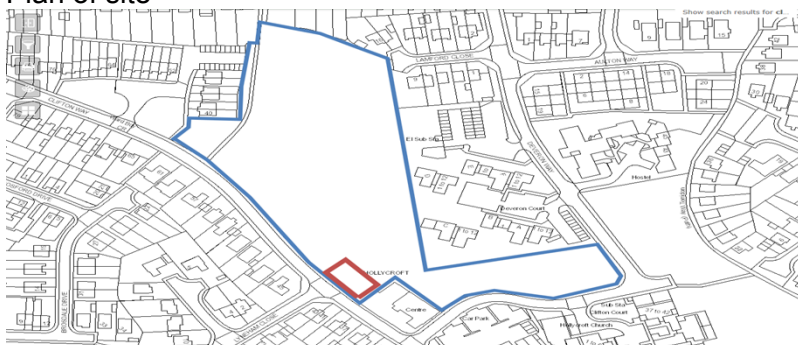
##### 2. RECOMMENDATIONS

- 2.1 That Council approves that the site is withdrawn from allocation as Public Open Space and is designated as surplus to requirements.
- 2.2 That Council approves disposal of the site for extension of the Hollycroft Medical Centre upon payment of £75,000 plus legal costs.
- 2.3 That Council approves payment to Jelson Ltd to release the restrictive covenant and enable use as a Medical Centre on the best terms that can be negotiated not exceeding 50% of the sale proceeds being received.

##### 3. BACKGROUND TO THE REPORT

- 3.1 This site shown edged red on the plan below, approximately 496 sq m, is part of the Clifton Way open space shown edged blue.

##### 3.2 Plan of site



- 3.4 Two parts of the site were previously sold to form and then extend the Hollycroft Medical Centre.
- 3.5 The open space was acquired by the council from Messrs Jelson Ltd who developed nearby housing and it has a covenant restricting use for the provision of public open space. The previous disposals required lifting of the covenant for which Jelson required payment.
- 3.6 Planning consent has been granted to extend the medical centre and a request was received to sell the land edged red to enable that project.
- 3.7 An external valuation was obtained which suggested a fair price at best value would be £75,000 and the medical practice has agreed to pay that sum.
- 3.8 Discussion has been undertaken with Jelson Ltd and they agreed to release the covenant on payment of an appropriate sum which has yet to be negotiated. The external valuer suggested an appropriate payment would be in the range of 33% to 50% of the value.
- 3.9 This matter was considered and Recommended by the Asset & Regeneration Strategy Group at a meeting on 9<sup>th</sup> August 2016

#### 4. EXEMPTIONS IN ACCORDANCE WITH THE ACCESS TO INFORMATION PROCEDURE RULES

- 4.1 To be taken in open session.

#### 5. FINANCIAL IMPLICATIONS [AG]

- 5.1 This sale will generate a capital receipt of £75,000, as mentioned in paragraph 3.7.
- 5.2 There is an anticipated maximum cost of £37,500 for the removal of the covenant which would have to be paid in advance of selling the land. Currently there is no budget for this expense and therefore a supplementary budget would be required in line with financial regulations.

#### 6. LEGAL IMPLICATIONS [AR]

- 6.1 Section 123 of the Local Government Act 1972 empowers the Council to dispose of its land provided the Council secures the best consideration that can reasonably be obtained when disposing of the land.
- 6.2 This statutory power also sets out requirements in any disposal of Public Open Space. This includes the requirement for the proposed disposal to be advertised for two consecutive weeks in a local newspaper, with any objections being considered by the Council

#### 7. CORPORATE PLAN IMPLICATIONS

- 7.1 The proposal, by enabling improvements for providing the medical needs of the community, meets the objective of *Creating a vibrant place to work and live*.

## 8. CONSULTATION

- 8.1 No external consultations have been undertaken other than as the usual part of the planning application in respect of which there was considerable public comment that resulted in considerable redesign and downscaling of the proposal.

## 9. RISK IMPLICATIONS

Management of significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
Not able to lift the restrictive covenant	Negotiation with Jelson Ltd	Robert Vaughan
Inability to reallocate open space	Appropriate compliance and advertising to change designation	Robert Vaughan

## 10. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

- 10.1 This proposal enables further medical facilities to meet the needs of the community and various needs for vulnerable groups.

## 11. CORPORATE IMPLICATIONS

- 11.1 By submitting this report, the report author has taken the following into account:

- Community Safety implications
- Environmental implications
- ICT implications
- Asset Management implications
- Procurement implications
- Human Resources implications
- Planning implications
- Data Protection implications
- Voluntary Sector

---

Background papers: none

Contact Officer: Robert Vaughan, Principal Surveyor, 01455 255867  
Executive Member: Councillor M Surtees